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6 **UNITED STATES DISTRICT COURT**
7 **EASTERN DISTRICT OF CALIFORNIA**
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9 ELAINE K. VILLAREAL,
10 Plaintiff,
11 v.
12 COUNTY OF FRESNO,
13 Defendant.
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Case No. 1:15-cv-01410-EPG (PC)
ORDER FOR PLAINTIFF TO FILE HER
ADDITIONAL EVIDENCE WITH THE
COURT
(ECF NO. 26)
14-DAY DEADLINE

15 **I. BACKGROUND**

16 Elaine K. Villareal (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma*
17 *pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. On September 17, 2015,
18 Plaintiff filed the complaint commencing this action. (ECF No. 1). In an order entered
19 November 8, 2016, this Court allowed Plaintiff’s action to proceed against defendant County of
20 Fresno on a claim for violation of the Eighth Amendment based on unconstitutional conditions
21 of confinement. (ECF No. 7).

22 On January 31, 2017, defendant County of Fresno filed a motion to dismiss on the
23 ground that Plaintiff failed to properly exhaust her administrative remedies. (ECF No. 12).
24 Plaintiff filed an opposition, (ECF No. 19), and defendant County of Fresno filed a reply (ECF
25 No. 20). The Court heard oral arguments on April 7, 2017, and took the matter under
26 submission. (ECF No. 25). On April 11, 2017, the Court converted the motion to dismiss into
27 a motion for summary judgment, and gave both parties the opportunity to file additional
28 evidence, as well as a reply and objections to the opposing parties’ evidence. (ECF No. 26).

1 On May 16, 2017, defendant County of Fresno filed a reply and objections to Plaintiff's
2 additional evidence. (ECF No. 28). However, the Court has not received any additional
3 evidence from Plaintiff. Based on this, it appears that Plaintiff served her additional evidence
4 on defendant County of Fresno. However, Plaintiff's additional evidence was not filed with the
5 Court.

6 Accordingly, based on the foregoing, IT IS HEREBY ORDERED that Plaintiff has
7 fourteen (14) days from the date of service of this order to file her additional evidence with the
8 Court.

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10 IT IS SO ORDERED.

11 Dated: May 18, 2017

12 /s/ Eric P. Grogan
13 UNITED STATES MAGISTRATE JUDGE
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